

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SUITS – Land Acquisition –PJP –GADWAL -Mahabubnagar District – Atmakur (Mandal) Nandimalla (Village) – O.P.No.82/1995 and batch - Sanction of decretal charges of **Rs.7,91,689/-** - Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO. 866

DATE:06.11.2009

Read:

- 1) From the Special Collector, LA, Bheema Project, Mahabubnagar District Lr.No.B/255/2009, dt:24.05.2009.
- 2) From the Secy.to CCLA, AP, Hyd Lr.No.SRP2/362/09, DT:20.10.09.

O R D E R:

The Secy.to CCLA, AP, Hyderabad has informed that the Special Collector, Land Acquisition, Bheema Project, Mahabubnagar District has submitted the proposals for sanction of final payment of decretal charges in respect of O.P.No.82/1995 and batch pertaining to Nandimalla (V) Atmakur (M) of Mahabubnagar District. The then Special Deputy Collector, LA, PJP, Gadwal had acquired the dry land to an extent of Ac.7.28 gts in the limits of Nandimalla (V) Atmakur (M) vide Award No.3/94, dt:20.06.1994 for W.B.N.Road from Atmakur-Marikal road junction to Makthal, PJP road junction by fixing the market value @Rs.12,200/- for Cat-I and Rs.8,600/- for Cat-II. Aggrieved with the market value awarded by the LAO the awardees have filed petitions U/s.18 (1) of the L.A.Act with a request to refer the matter to the Civil Court for adjudication. The Sr.Civil Judge, Gadwal had delivered the judgment on 07.12.2004 by enhancing the market value from Rs.12,000/-, Rs.8,600/- to Rs.45,000/- for Cat-I & II. Aggrieved by the orders of the Sr.Civil Judge, Gadwal dt:07.12.1994 in O.P.No.82/95, the SDC has filed appeal before the Hon'ble High Court of A.P, Hyd. The Hon'ble H.C of A.P, Hyd has granted interim orders to pay 50% of the decretal charges. Accordingly, the Spl.Collector, SSP, Kurnool has sanctioned an amount of Rs.3,02,293/- and the same was deposited in the court of Sr.Civil Judge, Gadwal on 22.02.2006 in O.P.No.82/95. The G.P for appeals H.C.Buildings, Hyd while sending the certified copies of judgment and decree dt:13.11.2006 in A.S No.705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717 and 718/2005 and informed that the Reference Court enhanced the market value of the acquired lands @Rs.45,000/- per acre by treating all the lands into one category basing on the same village of a previous acquisition. The G.P for Appeals has opined that these are not fit cases to prefer further appeals to Hon'ble Supreme Court of India, New Delhi. But, the Special Collector has filed SLP in Supreme Court of India, New Delhi. The Special Officer for Advocate on Records in the Supreme Court of India, New Delhi while sending certified copy judgment dt:05.05.2008 in CC No.6564-6577/2008 of Hon'ble Supreme Court of India, according to which the Delay condoned, the SLPs are dismissed.

2) After careful examination of the matter, Government hereby accord sanction for an amount of **Rs.7,91,689/- (Rupees Seven lakhs ninety one thousand six hundred and eighty nine only)** in respect of O.P.No.82/95 and batch pertaining to Nandimalla (V) Atmakur (M) of Mahabubnagar District subject to verification whether the reference under section.18 (1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Sec.18 reference was made contrary to the rules/guidelines issued by the Govt/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

(PTO)

3) The expenditure sanctioned in para (2) above shall be debitable to following Head of Account under "4701- SMJH – 01 – Major Irrigation – M.H.122 – Jurala Project G.H.11 – NSP – S.H (27) – Canals and Distributaries - 530 – Major works – 532 – Lands (charged). In case, the available budget provision is not sufficient to meet the proposal requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

4) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O. No.1955/F2(2)/2009-1, dated:02.06.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SECRETARY TO GOVERNMENT

To

The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.

The Special Collector, LA, Bheema Project, Mahabubnagar.

The Chief Engineer, MBNR, Jalasoudha Buildings, Erramanzil, Hyderabad.

The SDC, LA, PJP, Gadwal, Mahabubnagar.

The Director of Works Accounts, Hyderabad.

Copy to: P.S. to Minister (M& MI).

Finance (W&P) Department/File C.No.10539/LA.III(A2)/2009
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER